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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,284	12/09/2003	Jesse G. James	48-1006	2605

36163 7590 11/04/2004

PLUMSEA LAW GROUP, LLC  
10411 MOTOR CITY DRIVE  
SUITE 320  
BETHESDA, MD 20817

EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/730,284

Applicant(s)

JAMES, JESSE G.

Examiner

Devon C Kramer

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

- 1) The disclosure is objected to because of the following informalities:

Page 6 paragraph 40 line 4, please add the missing information including application number 10/730282 with a filing date of 12/9/03.

Appropriate correction is required.

### ***Claim Objections***

- 2) Claim 20 is objected to because of the following informalities: Line 1 of claim 20 cites "a disk", a disk was previously cited in claim 13, therefor line 1 of claim 20 should read --the caliper engages the disk--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 4) Claims 6-7, 9, 13-15 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (4719984), with further clarification by Wilcox (5590998) under MPEP 2131.01 section II.

In re claim 6, Watanabe teaches a motorcycle comprising: a front wheel (15) a rear wheel (21), a frame (12), a seat (24) and handlebars (16); the motorcycle having a

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body perimeter; and a mechanical linkage connecting a brake pedal to a caliper (73) where the caliper is located within the body perimeter. (See figures 1-2)

Wilcox shows that a four-wheeled vehicle is a motorcycle (abstract).

In re claim 7, Watanabe teaches a brake pedal located on one side of the motorcycle (col. 5 lines 5-7) and wherein the caliper is located on the other side of the motorcycle. Please note that the caliper is on the underside.

In re claim 9, the brake pedal in Watanabe is actuated vertically and the caliper pistons move horizontally.

In re claim 13, Watanabe teaches the claim limitations as cited above in reference to claim 6 and further including a braking system including a linkage associating a brake pedal with a caliper (73 and col. 5 lines 5-7) having a line of action, the caliper engaging a disk (64); wherein the line of action of the caliper has a direction that is different than the axis of rotation of the rear wheel.

In re claims 14-15, Watanabe teaches a front disk pad and a rear disk pad (figure 5, 74).

In re claim 19, see figure 2 Watanabe.

In re claim 20, Watanabe provides the disk and caliper operable to brake a rear wheel (21) and having an axis of rotation different than the axis of rotation of the rear wheel.

### ***Claim Rejections - 35 USC § 103***

5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6) Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martins (4002084).

In re claim 1, Martins teaches a motorcycle with a brake system including a linkage (figure 2) comprising: a brake pedal (18) connected to a first end of a brake arm, the brake arm rotating about a brake arm fulcrum (19) in a first plane; a second end of the brake arm being mechanically connected to a rocker arm (34); the rocker arm rotating in a second plane different from the first plane; and a follower assembly connected to the rocker arm and capable to move across the width of the motorcycle.

In re claims 2-4, see figure 2.

In re claim 5, Martins teaches a distal end of the follower assembly is mechanically associated with a caliper (17) and motion of the distal end of the follower assembly actuates the caliper and the caliper squeezes at least one brake pad against a disk (14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the brake system of Martins to extend across the width of the motorcycle since it has been held that rearranging parts of an invention involves only routine skill in the art. IN re Japikse, 86 USPQ 70.

7) Claims 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (4719984) in view of Martins (4002084).

In re claim 10-12, 16, Watanabe is silent to the arrangement of the brake pedal.

Martins teaches a brake pedal (18) that pivots about a brake arm fulcrum (19) and includes a forward brake arm and a rear brake arm; the forward brake arm adapted to receive a rider's foot and the rear brake arm connected to an actuator (36b) that can be driven upwards; the actuator connected to a first end of a rocker arm (34) and upwards motion of the actuator rotates the rocker arm, and wherein a follower assembly (33) is connected to a second end of the rocker arm, whereby rotation of the rocker arm moves the follower assembly in a generally horizontal direction.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the brake assembly of Watanabe with the pedal arrangement as taught by Martins in order to provide a reliable linkage to take brake pedal force and transfer the pedal force a braking force.

In re claims 8 and 17-18, Martins teaches the follower assembly extending front to rear on the vehicle.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the brake system of Martins to extend across the width of the motorcycle since it has been held that rearranging parts of an invention involves only routine skill in the art. IN re Japikse, 86 USPQ 70.

### ***Conclusion***

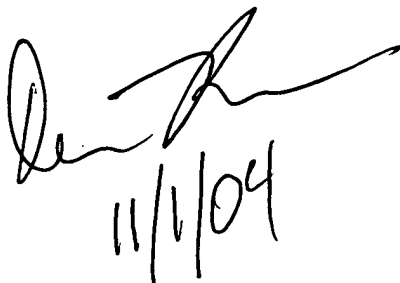
8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takimoto, Suzuki, and Matsuura et al all provide braking devices with similar features to the instant application.

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK



Handwritten signature and date 11/1/04